

going to run ads and try to convince people to vote a certain way?

Disclosure is the way we make this crucial information available to the public. But if a group is around for 10 years, has members in all 50 States, and receives only a small portion of its budget from corporations or unions, there is less reason for the kind of detailed information that the DISCLOSE Act requires. So while I would prefer that this exception wasn't in the bill, I understand why the House felt it was necessary, and I don't think it undermines the bill's purpose or makes it fundamentally unfair.

Most of the complaints about the DISCLOSE Act are coming from interests that want to take advantage of one part of the Citizens United decision—the part that allows corporate spending on elections for the first time in over 100 years—and at the same time pretend that the other part of the decision—the part upholding disclosure requirements—doesn't exist. But the law doesn't work that way. As the old saying goes, “you can't have your cake and eat it too.”

Once again, I very much appreciate the leadership of the Senator from New York and look forward to working with him and all my colleagues to pass this bill. I urge my colleagues to vote for cloture on the motion to proceed.

Mr. LEVIN. Mr. President, I will support the motion to proceed to debate on the DISCLOSE Act because I strongly believe that the voice of the people needs to be restored in our elections.

In January of this year, in a 5–4 decision, the Supreme Court reversed longstanding precedent when it held government restrictions on corporate independent expenditures in elections to be unconstitutional in violation of the first amendment. This decision ignored precedent in order to reject laws that have limited the role of corporate money in Federal elections for decades. I believe this decision could severely damage public confidence in our campaign finance system.

For years I have worked to maintain the integrity of our elections. I was a cosponsor of the Bipartisan Campaign Reform Act, BCRA, which was a major step toward taking the unseemly race for big bucks out of the campaign system and preserving the American public's right to truth in advertising. However, the decision in Citizens United took us backwards. Before Citizens United, the Federal Election Campaign Act—FECA—generally prohibited corporations and unions from using their treasury funds to influence federal elections—including political advertising known as express advocacy, which explicitly calls for election or defeat of Federal candidates. To be clear: Corporations were still able to engage in political activities through political action committees, or PACS. This process ensured that shareholders were part of the process. After Citizens United, however, corporations can use

unlimited amounts of money from their general treasuries for this purpose.

That is why I am an original cosponsor of the Democracy Is Strengthened by Casting Light on Spending in Elections, or the DISCLOSE Act. The DISCLOSE Act requires corporations, unions, or advocacy organizations to stand by their advertisements and inform their members about their election-related spending. It imposes transparency requirements, requires spending amounts to be posted online, and prevents government contractors, corporations controlled by foreigners, and corporate beneficiaries of TARP funds from spending money on elections.

Since the Supreme Court decision in Citizens United, our elections are vulnerable to the influence of corporate power, which threatens to drown out the voices of individual Americans. The DISCLOSE Act will restore the public trust in both the election process and government itself. In our Federal elections, all voices must be heard, not just those with the deepest pockets. The DISCLOSE Act will help restore the people's voice, and I urge my colleagues to support the motion to proceed.

Mr. LEAHY. Mr. President, today, the Senate is attempting to fix an important problem created earlier this year by the Supreme Court's decision in Citizens United v. Federal Election Commission. In that case, five Supreme Court Justices cast aside a century of law and opened the floodgates for corporations to drown out individual voices in our elections. The broad scope of the Citizens United decision was unnecessary and improper. At the expense of hardworking Americans, the Supreme Court ruled that corporations could become the predominant influence in our elections for years to come.

Citizens United is the latest example in which a thin majority of the Supreme Court placed its own preferences over the will of hard working Americans. The landmark McCain-Feingold Act's campaign finance reforms were the product of lengthy debate in Congress as to the proper role of corporate money in the electoral process. Those laws strengthened the rights of individual voters, while carefully preserving the integrity of the political process. However, with one stroke of the pen, five Justices cast aside those years of deliberation, and substituted their own preferences over the will of Congress and the American people.

The American people have expressed their concerns over this decision, and recognize that without congressional action, Citizens United threatens to impact the outcome of our elections. As representatives, we must fulfill our constitutional duty, and work to restore a meaningful role for all Americans in the political process. A vote to filibuster the motion to proceed to this legislation is a vote to ignore the real world impact this decision will have on our democratic process.

The Democracy Is Strengthened by Casting Light On Spending in Elections—DISCLOSE—Act, is a measure I support to moderate the impact of the Citizens United decision. The DISCLOSE Act will add transparency to the campaign finance laws to help ensure that corporations cannot abuse their newfound constitutional rights. This legislation will preserve the voices of hardworking Americans in the political process by limiting the ability of foreign corporations to influence American elections, prohibiting corporations receiving taxpayer money from contributing to elections, and increasing disclosure requirements on corporate contributors, among other things.

It is difficult to overstate the potential for harm embodied in the Citizens United decision. The DISCLOSE Act is necessary to prevent corruption in our political system, and to protect the credibility of our elections, which is necessary to maintain the trust of the American people. While some on the other side of the aisle have praised the Citizens United decision as a victory for the first amendment, what they fail to recognize is that these new rights for corporations come at the expense of the free speech rights of hardworking Americans. There is no doubt that the ability of wealthy corporations to dominate all mediums of advertising risks drowning out the voices of individuals.

The American people expect that there will be bipartisan support for any legislation that would prevent corporations from drowning out their own voices in our elections. In that vein, I hope that the DISCLOSE Act will receive an up-or-down vote in the Senate, and not be the subject of filibusters that have become all too common in this political climate.

Vermont is a State with a rich tradition of involvement in the democratic process. However, it is a small State, and it would not take much for a few corporations to outspend all of our local candidates combined. It is easy to imagine corporate interests flooding the airwaves with election ads and transforming the nature of Vermont campaigning. This is simply not what Vermonters expect of their politics. The DISCLOSE Act is a first step towards ensuring that Vermonters, and all Americans, can remain confident that they will retain a voice in the political process.

The Citizens United decision grants corporations the same constitutional free speech rights as individual Americans. This is not what the Framers intended in drafting the opening words “We the People of the United States.” In designing the Constitution, the Founders spoke of and guaranteed fundamental rights to the American people—not to corporations, which are mentioned nowhere in the Constitution. The time is now to ensure that our campaign finance laws reflect this important distinction.